

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of:)
)
 Satellite Industry Association Request)
 For Amendment of the U.S. Table of)
 Frequency Allocations to Designate)
 2500-2520/2670-2690 MHz Frequency)
 Bands for the Mobile-Satellite Service)

RM-9911 /

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

To: The Commission

STATEMENT IN SUPPORT
OF THE NATIONAL ITFS ASSOCIATION COMMENTS OPPOSING THE
SATELLITE INDUSTRY ASSOCIATION PETITION FOR RULEMAKING

Alliance for Higher Education, Anaheim City School District, Arizona Board of Regents for Benefit of the University of Arizona, Austin Community College, Belmont University, Board of Regents of the University of Nebraska, Board of Regents of the University of Wisconsin System, California Polytechnic University, Pomona, California State University (CALNET), California State University, Bakersfield, California State University, Fresno, California State University, Fullerton, California State University, Los Angeles, California State University, Stanislaus, Coastal Educational Broadcasters, Inc., Creighton University, Dallas County Community College District, Educational Broadcasting Corporation, Escondido Union School District, Focus on Education, George Mason University Foundation, Greater Dayton Public Television, Greenville Technical College, Hawkeye Community College, Humanities Instructional Television Educational Center, Inc., INTELECOM Intelligent Telecommunications, Johnson & Wales University, KCTS Television, Inc., Kentucky Authority for Educational Television, Kern Community College District, Kern County Superintendent of

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Schools, Kern High School District, Kirkwood Community College, Long Beach Unified School District, Milwaukee Area Technical College, Oceanside Unified School District, The Ohio State University, Oregon Public Broadcasting, Palomar College, Panama-Buena Vista Union School District, Pasadena Unified School District, Pueblo School District No. 60, Regents of the University of California System, Regents of the University of Minnesota, Rock Valley College, San Diego Community College District, San Diego County Superintendent of Schools, San Diego State University, Santa Ana Unified School District, Sistema Universitario Ana G. Mendez, South Carolina Educational Television Commission, St. Louis Regional Educational and Public Television Commission, St. Petersburg Junior College, State of Wisconsin – Educational Communications Board, Tarrant County College, Trident Technical College, University of Maine System, University System of Maryland, University of Southern California, Ventura County Superintendent of Schools, Vista Unified School District, and WITF, Inc. (collectively, the “ITFS Parties”), by their counsel and in accordance with Section 1.405(b) of the Commission’s Rules, hereby support the comments of the National ITFS Association (“NIA”) opposing the Petition for Rulemaking filed by the Satellite Industry Association (“SIA”) that proposes to amend the U.S. Table of Frequency Allocations to allocate the 2500-2520 MHz and 2670-2690 MHz bands for the Mobile Satellite Service (“MSS”). These frequencies have been previously allocated and are in use by hundreds of incumbent ITFS and MMDS service providers. Amazingly, the SIA does not even acknowledge the existence of ITFS and MMDS operations in the band. Accordingly, the ITFS Parties join NIA in insisting that the SIA Petition be dismissed or denied. There is no adequate basis for the institution of a Notice of Proposed Rulemaking in this proceeding.

The ITFS Parties are public and private colleges, universities and university systems, school districts, community colleges, consortia of educators engaged in distance learning, public broadcasters and governmental or non-profit educational telecommunications entities. The ITFS Parties are experienced licensees of ITFS stations providing critical educational services to students and other learners in schools, workplaces and homes; indeed, among the ITFS Parties are operators of some of the oldest, largest and most innovative ITFS systems in the country.

SIA proposes to reallocate the 2500-2520 MHz and 2670-2690 MHz bands to the MSS. These frequencies, however, are used by ITFS licensees on the A, B, and G Channel Groups, and using the I band of response channels. NIA opposes this reallocation on the following grounds. First, the incumbent ITFS and MMDS licensees have been using these bands for many years to provide one-way educational video services and will soon be using them as the core “upstream” channels in the imminent rollout of two-way broadband data services. Thus, existing ITFS licensees provide (and will continue to provide) invaluable and pervasive fixed services in these bands. Second, SIA’s Petition fails to address whether it is possible to share the frequencies so that incumbent ITFS licensees and MSS could both co-exist in the bands. Accordingly, the ITFS Parties fully support the comments of NIA.

For these reasons, the ITFS Parties support the comments of NIA and urge the Commission not to institute a Notice of Proposed Rulemaking in this proceeding. Alternatively, if the Commission does institute a rulemaking proceeding, the ITFS Parties urge the Commission to consider the issues raised in NIA’s comments, and supported herein, and retain or adopt rules consistent with these comments.

Respectfully submitted,

ALLIANCE FOR HIGHER EDUCATION

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CALIFORNIA STATE UNIVERSITY (CALNET)

CALIFORNIA STATE UNIVERSITY,
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CALIFORNIA STATE UNIVERSITY,
FULLERTON

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TELECOMMUNICATIONS

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KERN COUNTY SUPERINTENDENT OF
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KIRKWOOD COMMUNITY COLLEGE

LONG BEACH UNIFIED SCHOOL DISTRICT

MILWAUKEE AREA TECHNICAL COLLEGE

OCEANSIDE UNIFIED SCHOOL DISTRICT

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STATE OF WISCONSIN – EDUCATIONAL
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TARRANT COUNTY COLLEGE

TRIDENT TECHNICAL COLLEGE

UNIVERSITY OF MAINE SYSTEM

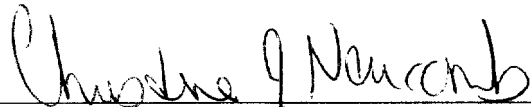
UNIVERSITY SYSTEM OF MARYLAND

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August 28, 2000

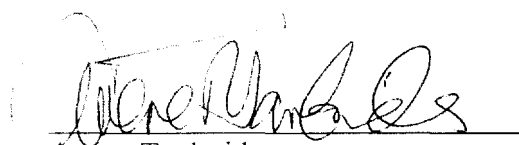
CERTIFICATE OF SERVICE

I, Avena Tavlarides, hereby certify that a true copy of the foregoing Comments on the Satellite Industry Association's Petition for Rulemaking was mailed first-class, postage prepaid, this 28th day of August, 2000 to the following:

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